PUBLIC PROSECUTION SERVICE

BUSINESS PLAN

2005-2006

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Message from the Director of Public Prosecutions

In 2005-2006, the Nova Scotia Public Prosecution Service will continue to focus on advancing the strategic goals and core business areas identified last year. Priorities are concentrated on initiatives already undertaken. Some of these will be completed during 2005-2006 and others will be continuing priorities for the PPS well into the future. Major PPS initiatives include professional development; improving the ability of the PPS to provide French language prosecutions; communications; development of a case management system; staff wellness and recognition; and strategic planning.

To achieve success in its core business areas, the Public Prosecution Service is dependant upon the talents and skills of its employees. For this reason, the business plan includes a strong focus on professional development for both Crown Attorneys and support staff. Quality of service remains a commitment and the PPS recognizes this cannot be achieved without devoting resources to ensure its staff is skilled and experienced. Efforts have been made and continue to be made to ensure that training and education are delivered in the most cost effective method. The PPS endeavors to deliver programs internally wherever possible.

As always, communications is a priority for the PPS. The PPS continues to improve communications externally both through the media and directly to key stakeholders. The PPS recognizes the needs of its various publics to know and understand the prosecutorial process and the role of the Crown Attorney. Internal communications is an equal priority for the PPS. All efforts are made to keep employees informed on PPS plans and initiatives and to attain feedback from employees on these and other relevant issues.

To enhance employee satisfaction, the PPS will focus over the next year on ways to improve staff wellness and recognition relying on guidance from the Employee Wellness and Recognition Committee.

In accordance with the provincial government's French-language Services Act, proclaimed last fall, the PPS will strive to enhance the ability to provide French language prosecutions through a series of initiatives.

During 2004-2005 the PPS began planning the enhancement of the Prosecution Information Composite System (PICS) with management information tracking and reporting capabilities as well as case management functionality. In 2005-2006, the PPS will continue this initiative.

Strategic planning remains a priority in 2005-2006. The PPS maintains a commitment to this process which is seen as essential in ensuring continued fulfillment of its mandate.

The Public Prosecution Service's business plan for 2005-2006 builds on the progress made in previous years and continues to ensure that quality prosecutorial services are provided to the people of Nova Scotia.

Martin Herschorn
Director of Public Prosecutions

1. MISSION STATEMENT

To seek justice and serve the public interest by performing prosecution duties with fairness, professionalism and integrity.

2. PLANNING CONTEXT

The Public Prosecution Service of Nova Scotia is a functionally independent agency of government created by the Public Prosecutions Act. It shares a common Minister and some common services with the Department of Justice, but is not a division or part of the Department of Justice. In addition to its statutory responsibilities, the Public Prosecution Service and its members contribute, where appropriate and feasible, to the formulation of public policy in the administration of justice.

The Public Prosecution Service, by statute, is responsible for the prosecution of all Criminal Code offences; Provincial Summary Conviction offences; appeals before the Supreme Court of Nova Scotia; appeals before the Court of Appeal and the Supreme Court of Canada and Criminal Review Board hearings.

The reality of today's criminal justice system is that prosecutions are increasingly becoming more lengthy and complex. This requires experienced, well trained legal and support staff. In order to maintain public confidence prosecutors must continue to have the time and resources to devote to their caseload. Experienced and well-trained staff also serve to guard against the prospect of wrongful conviction. Public confidence in the justice system will be enhanced if prosecutors are perceived to be well-trained and prepared. The courts and the public demand a high standard from the Service.

The complexity of prosecutions is further reflected in the frequency with which expert witnesses are required. Issues raised frequently necessitate the assistance and testimony of expert witnesses which results in an additional and often substantial expense to the Public Prosecution Service. Such expenditures not only create a challenge in funding but also in the difficulty to forecast the same with any degree of certainty.

The Public Prosecution Service must also respond to changes in the community and the law which impact on the delivery of our core services. In 2005-2006 we will respond to the following pressures.

The Service must continue to ensure that its legal staff have the time to read and absorb the constant flow of court decisions which interpret the criminal law. The Service has made available to prosecutors the most up-to-date research tools. This benefit increases the demand to effectively utilize these resources.

The Youth Criminal Justice Act, which became law April 1, 2003, has had an appreciable impact on the PPS. Since the Act came into effect, Crown Attorneys prosecuting young offender cases have faced significant issues surrounding the interpretation and application of certain sections of the Act.

In 2004-2005 the PPS faced the prospect of having to absorb certain disclosure costs which were previously absorbed by police agencies. The Service has also undertaken several initiatives, including an Early Resolution project in the Halifax region. This initiative, which is intended to reduce the number of court appearances per case, will benefit not only the Public Prosecution Service but also other components of the justice system.

The Service also faces a number of significant challenges which will continue to have an impact on its resources, specifically:

Operation Hope. Operation Hope, the largest criminal investigation conducted by the RCMP in Nova Scotia, is an investigation into allegations of physical and sexual abuse in child caring facilities in the province. Investigative work by the RCMP continues. The crown will continue to provide advice to the RCMP when requested.

Aboriginal Law Litigation. The Service continues to be involved in several aboriginal law issues. Aboriginal cases typically involve treaty issues, historical research, expert testimony and a large volume of evidence. Estimated prosecution costs for two of the current files are in excess of $900,000.

The Public Prosecution Service is committed to fairness, professionalism and integrity in the conduct of its mission. The mission statement, adopted in 2003, reflects a recognition of the high standards which the Service strives to achieve.

3. STRATEGIC GOALS

In accomplishing its mission, the Public Prosecution Service contributes to the Province's priority of fulfilling its social responsibility of providing for public safety.

In order to accomplish its mission, the Public Prosecution Service has set the following goals:

3.1 Providing a Public Prosecution Service that reflects excellence, dedication to public service, and high ethical standards;

3.2 Providing a Public Prosecution Service that identifies and manages the resources required to carry out its mission;

3.3 Providing a Public Prosecution Service that reflects the application of best business practices consistent with providing a high quality service;

3.4 Providing within the Public Prosecution Service, an environment that allows for the independent exercise of prosecutorial discretion;

3.5 Providing a Public Prosecution Service that is reflective of the community it serves.

4. CORE BUSINESS AREAS

4.1 Represent the Crown in the conduct of criminal and quasi-criminal matters before all levels of court.

4.2 Represent the Crown in the conduct of criminal and quasi-criminal appeals before all levels of courts.

4.3 Provide legal advice and assistance to the police and provincial law enforcement officers at their request.

4.4 Participate in the development of criminal law and criminal prosecutions policy.

5. PRIORITIES FOR 2005-2006

The priorities for the first three core business areas of the Service overlap significantly thus are presented as a group.

5.1 Represent the Crown in the conduct of criminal and quasi-criminal matters before all levels of courts.

5.2 Represent the Crown in the conduct of criminal and quasi-criminal appeals before all levels of courts.

5.3 Provide legal advice and assistance to the police and provincial law enforcement officers at their request.

Maintain the core responsibility to provide professional prosecutorial services.

- Conduct prosecutions at all levels of court in trial and appeal proceedings.

Provide continuing education to full time and per diem Crown Attorneys and support staff through internal and external educational opportunities to enhance the level of expertise within the Service. The Service's Education Committee has identified certain critical education requirements:

- New issues under the Youth Criminal Justice Act
- Use of the Justice Enterprise Information Network (JEIN)
- Prevention of wrongful conviction
- Use of new Sex Offender Information Registration Act (SOIRA)
- Family Violence Initiative training
- Advocacy

The Service will continue to expand its electronic database of staff-generated research - Computerized Legal Education Research Centre (CLERC).

In addition to internal training, the Service is committed to supporting the attendance of Crown Attorneys at the 2005 National Criminal Law Program, a professional development opportunity sponsored by the Federation of Law Societies of Canada. As well, the Service will sponsor attendance by Crown Attorneys at the Ontario Crown Attorney School, run by the Ontario Crown Attorneys' Association and funded by the Ontario Ministry of the Attorney General.

Increase the ability of the PPS to provide French language service.

- Designate specific personnel to act as a liaison and a principal contact for French language prosecution training and related issues.
- Provide an educational opportunity for PPS French-speaking Crown Attorneys.
- Fund the attendance of three PPS Crown Attorneys at the French Language Institute for Professional Development Training in Ontario.
- Assist PPS French language prosecutors in developing a working group to identify French language prosecution issues and training opportunities.

In order to deliver effective and professional prosecutorial services the PPS recognizes the key role of support staff. In order to ensure a quality support service the following initiatives will be undertaken:

- Implementation of the Support Staff Performance Evaluation System.
- Approve a working group to develop a Best Practices Manual for Support Staff

Develop the means to capture management information which will enable the PPS to effectively deploy resources.

Continue implementation of the Communications Plan in order to enhance community understanding of the role of the Crown Attorney. The plan also focuses on effective internal communications. Specific activity includes:

- Continue funding and circulation of *On the Docket*
- Examine options for educating specialized interest groups in understanding the role of the Crown
- Develop and complete a pilot external shareholders survey
- Provide follow-up media training to Crown Attorneys
- Provide orientation training to new employees

In order to enhance employee satisfaction the PPS will focus on staff wellness and recognition moving forward on recommendations submitted by the Employee Wellness and Recognition Committee.

Continue to provide timely response to requests from police and provincial enforcement officers for advice on particular cases or direction on matters of criminal law.

- Allocate resources to ensure sufficient manpower and time is available to respond to requests.
- Develop a Service-wide system to capture the extent and frequency of advice to police.

5.4 Participate in the development of the criminal law and criminal prosecutions policy.

Continue with a strategic planning process which seeks to ensure now and in the future that the Service will be able to deliver professional prosecutorial services.

Contribute to the development of criminal law policies and procedures in conjunction with federal and provincial Departments of Justice and liaise with law enforcement agencies, government, the judiciary and professional associations on policy and procedural matters.

- Participate in joint meetings, including Federal/Provincial/Territorial(F/P/T) Ministers and Deputy Ministers meetings, CCSO (Coordinating Committee of Senior Justice Officials, and F/P/T Heads of Prosecution, Provincial Deputy Ministers' meetings, meetings of the Provincial Justice Coordinating Committee, International Association of Prosecutors and the National Association of District Attorneys.
- Participate in Provincial policy initiatives such as Provincial Forms Committee, and Restorative Justice.
- Continue to liaise with other prosecution services to maintain awareness of best practices for delivery of prosecution services

6. BUDGETING CONTEXT

	2004-05 Forecast	2005-06 Budget
Total Program Expenses-Gross Current	$14,614.00	$15,680.00
Net Program Expenses-Net of Recoveries	$14,500.00	$15,566.00
Salaries and Benefits	$11,054.80	$12,088.60
Funded Staff(FTEs)	145.0	154.5

7. OUTCOME MEASURES

Core Business Area: Represent the Crown in the Conduct of Criminal and Quasi-Criminal Matters Before All Levels of Court

Outcome	Indicator	Measure	Base Year Measure	Target 2005-2006	Strategies
High quality trial work	Majority of Crown Attorneys attain competent or higher designation	Performance evaluation of Crown Attorneys	100%	Maintain majority attainment	-In court monitoring -Develop tool to assist in court monitoring -Provide continuing education to full time Crown Attorneys, Per Diem Crown Attorneys and Support Staff -Implement a File Management Information System

Core Business Area: Represent the Crown in the Conduct of Criminal Appeals Before All Levels of Court

Outcome	Indicator	Measure	Base Year Measure	Target 2005-2006	Strategies
High quality appeal work	Majority of Crown Attorneys attain competent or higher designation	Performance evaluation of Crown Attorneys	100%	Maintain majority attainment	-In court monitoring -Develop tool to assist in court monitoring -Provide continuing education to full time Crown Attorneys, Per Diem Crown Attorneys and Support Staff -Implement a File Management Information System

Core Business Area: Providing Legal Advice and Assistance to Police

Outcome	Indicator	Measure	Base Year Measure	Target 2005-2006	Strategies
Provide high quality legal advice and assistance	Consistent high quality	Supervisory assessment of legal advice(to be developed) Stakeholder feedback	To be determined	Maintain consistent high quality	-Develop method to record advice and assistance -Develop and promulgate a mechanism to track advice to police

Core Business Area: Participate in the Development of the Criminal Law and Criminal Policy

Indicator	Measure	Outcome	Base Year Measure	Target 2005-2006	Strategies
Providing Crown representation in the development of criminal law and criminal prosecutions policy	Providing representation of all committees as requested	Number of Crown Attorneys who participate	Fifty-nine (59) Crown Attorneys	Maintain representation	-Contribute to the development of criminal law policies and procedures in conjunction with federal and provincial Departments of Justice. Liaise with law enforcement agencies, government, the judiciary and professional associations on policy and procedural matters